

401 KAR 51:190. Banking and trading NOx allowances.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 51.121 as amended at 65 FR 11222 (March 2, 2000), 51.122, 72.2, 75.1, 75.2, 75.4, 75.11-75.13, 75.17, 75.19, 75.20, 75.24, 75.70, 75.72, 75.74, 75.75, Part 96, 42 U.S.C. 7410

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 51.121 as amended at 65 FR 11222 (March 2, 2000), 51.122, 72.2, 75.1, 75.2, 75.4, 75.11-75.13, 75.17, 75.19, 75.20, 75.24, 75.70, 75.72, 75.74, 75.75, Part 96, 42 U.S.C. 7410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation incorporates by reference the federal regulation that establishes a program for banking and trading of emission allowances to reduce nitrogen oxides (NOx) emissions under the federal NOx SIP Call. This administrative regulation is not more stringent nor otherwise different than the provisions of the federal mandate.

Section 1. For purposes of 40 CFR 96.10 to 96.14, 96.30, 96.31, 96.50 to 96.55 (b), 96.56 to 96.57, 96.60 to 96.62:

- (1) The administrator shall be the Administrator of the U.S. EPA;
- (2) The permitting authority shall be the cabinet;
- (3) The citations, Subpart E and 40 CFR 96.42(e) shall be 401 KAR 51:160, NOx requirements for large utility and industrial boilers; and
- (4) The citation Subpart I shall be 401 KAR 51:195, NOx opt-in provisions.

Section 2. Applicability. NOx budget units shall comply with the following requirements, which are incorporated by reference in Section 3 of this administrative regulation:

- (1) 40 CFR 96.10 to 96.14;
- (2) 40 CFR 96.30 to 96.31;
- (3) 40 CFR 96.50 to 96.55(b) and 96.56 to 96.57; and
- (4) 40 CFR 96.60 to 96.62.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) 40 CFR 96.10 to 96.14, "NOx Authorized Account Representative for NOx Budget Sources," as published in the Code of Federal Regulations, 40 CFR Part 96, July 1, 1999;
- (b) 40 CFR 96.30 to 96.31, "Compliance Certification," as published in the Code of Federal Regulations, 40 CFR Part 96, July 1, 1999;
- (c) 40 CFR 96.50 to 96.55(b) and 96.56 to 96.57, "NOx Allowance Tracking System," as published in the Code of Federal Regulations, 40 CFR Part 96, July 1, 1999; and
- (d) 40 CFR 96.60 to 96.62, "NOx Allowance Transfers," as published in the Code of Federal Regulations, 40 CFR Part 96, July 1, 1999.

(2) This material may be inspected, copied, or obtained at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

- (a) The Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-3999;
- (b) Ashland Regional Office, 1550 Wolohan Suite 1, Ashland, Kentucky 41102, (606) 929-5285;
- (c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort Kentucky 40601, (502) 564-3358;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-2080;

(h) Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky, 42003 (270) 898-8468.

(3) Copies of the Code of Federal Regulations (CFR) and the Federal Register (Fed. Reg.) are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (27 Ky.R. 2611; 3285; eff. 8-15-2001; TAm eff. 5-20-2010; TAm eff. 8-9-2007; TAm eff. 9-16-2013; TAm eff. 7-8-2016; Crt eff. 7-30-2018.)